

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

NOTICE OF ORDINANCE ADOPTION

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE CHARTER TOWNSHIP OF OSHTEMO, KALAMAZOO COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that on the 11th day of September, 2012, at a regular meeting of the Township Board of the Charter Township of Oshtemo, Kalamazoo County, Michigan, the Township Board of said Township adopted the State Construction Code Ordinance, which provides as follows:

SECTION I. TITLE.

This Ordinance shall be known as the “Charter Township of Oshtemo State Construction Code Ordinance”.

SECTION II. ASSUMPTION OF ADMINISTRATION AND ENFORCEMENT RESPONSIBILITY.

The Township assumes responsibility pursuant to the Construction Code Act for the administration and enforcement throughout the Township of said Act.

SECTION III. DESIGNATION OF ENFORCING AGENCY.

The Township hereby designates KABA as the enforcing agency and the Building Official(s) appointed or employed by KABA to discharge the responsibility of the Township for the administration and enforcement of the Construction Code Act, the State Construction Code, and this Ordinance.

SECTION IV. FEES.

The Board of Directors of KABA is hereby given the authority to establish a schedule of fees for the administration and enforcement of this Ordinance.

SECTION V. CONSTRUCTION BOARD OF APPEALS.

- A. General. There is hereby established a Construction Board of Appeals (also referred to as a “Building Board of Appeals”) of seven (7) members appointed by the Board of Directors of KABA.
- B. Tenure of Board. The term of office of the members of the Construction Board of Appeals shall be two (2) years and until a qualified successor is appointed.

- C. Duties of the Construction Board of Appeals. The Construction Board of Appeals shall have the following powers and duties:
- (1) To provide interpretation.
 - (2) To hear and decide appeals.
 - (3) To do acts and make decisions authorized by the Construction Code Act.
 - (4) To grant a specific variance to the State Construction Code.
- D. Meetings, rules of procedure, quorum. The Construction Board of Appeals shall meet at such times as said Board may determine.

SECTION VI. VIOLATION OF ORDINANCE; SANCTIONS.

Any violation shall be deemed to be a municipal civil infraction punishable by a civil fine determined in accordance with the approved fine schedule.

SECTION VII. SEVERABILITY.

Should any part of this Ordinance or the aforementioned Code being administered and enforced hereunder be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

SECTION VIII. REPEAL OF CONFLICTING ORDINANCE/SAVINGS CLAUSE.

All ordinances or parts of ordinances in conflict herewith, including any construction codes or construction code ordinances previously adopted by the Township, are hereby repealed and shall be of no further force or effect upon the effective date of this Ordinance.

SECTION IX. EFFECTIVE DATE.

This Ordinance shall take effect upon publication in accordance with Michigan law.

PLEASE TAKE FURTHER NOTICE that the full text of the Ordinance has been posted for public inspection at the Township Hall located at 7275 West Main Street, Kalamazoo, Michigan, 49009, and on the Township's Web Page of www.oshtemo.org

PLEASE TAKE FURTHER NOTICE that said Ordinance will take effect October 1, 2012. A copy of this Ordinance may be purchased or inspected at the office of the Township Clerk at any time during regular business hours of regular business days at the following address.

DEBORAH L. EVERETT, Clerk
Oshtemo Charter Township Hall
7275 West Main Street
Kalamazoo, MI 49009
Telephone: (269) 375-4260

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. 530

ADOPTED: September 11, 2012

EFFECTIVE: October 1, 2012

STATE CONSTRUCTION CODE ORDINANCE

An Ordinance to assume responsibility for administration and enforcement of the Stille-Derossett-Hale Single State Construction Code Act (1972 PA 230), as amended (“Construction Code Act”) and the State Construction Code promulgated thereunder, within the political boundaries of the Township; to provide for the designation of an enforcing agency to discharge the responsibilities of the Township hereunder; to provide for the establishment of fees for the administration and enforcement of the Construction Code Act and State Construction Code; to provide for civil sanctions and civil remedies for violation of this Ordinance or the Construction Code Act or the State Construction Code; and to repeal all existing Township ordinances in conflict herewith.

**THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN**

ORDAINS:

SECTION I. TITLE.

This Ordinance shall be known and may be cited as the “Charter Township of Oshtemo State Construction Code Ordinance”.

SECTION II. ASSUMPTION OF ADMINISTRATION AND ENFORCEMENT RESPONSIBILITY.

The Charter Township of Oshtemo hereby assumes responsibility pursuant to the Construction Code Act for the administration and enforcement throughout the Township of said Act and the State Construction Code adopted thereunder as the same is currently in effect and as it may from time to time hereafter be amended.

SECTION III. DESIGNATION OF ENFORCING AGENCY.

In accordance with the Urban Cooperation Act (1967 P.A. Ex. Ses 7), Section 8b of the Construction Code Act, and other pertinent Michigan statutes, the Township has entered into an agreement with other governmental subdivisions for the joint administration and enforcement of the Construction Code Act, the State Construction Code and this Ordinance through a separate legal entity which is a public body corporate and is known as the Kalamazoo Area Building Authority (“KABA”). Consistent with that agreement, the Township hereby designates the person(s) appointed and employed by KABA as Building Official(s) as the enforcing agency to discharge the responsibility of the Township for the administration and enforcement of the Construction Code Act, the State Construction Code, and this Ordinance.

SECTION IV. FEES.

The Board of Directors of KABA is hereby given the authority to establish by resolution at any public meeting a schedule of fees, rates and charges for the administration and enforcement of the Construction Code Act, the State Construction Code and this Ordinance, and for the conducting of various activities authorized by said Act/Code and this Ordinance; provided that the same shall be reasonable and bear a reasonable relationship to the cost and expense of such administration, enforcement and activity. The Board of Directors of KABA shall further have the right to amend by resolution the aforementioned schedule from time to time within the foregoing limits of reasonableness.

SECTION V. CONSTRUCTION BOARD OF APPEALS.

- A. General. There is hereby established a Construction Board of Appeals (also referred to as a “Building Board of Appeals”) of seven (7) members appointed by the Board of Directors of KABA as follows:
- (1) One person who is experienced as a major general contractor.
 - (2) One person who is experienced in residential construction.
 - (3) One person who is a registered professional engineer or architect.
 - (4) One person who is experienced in electrical contracting work.
 - (5) One person who is experienced in mechanical contracting work.
 - (6) Two other persons deemed by the Board of Directors of KABA to be qualified by training or experience to perform the duties of the Construction Board of Appeals.
- B. Tenure of Board. The term of office of the members of the Construction Board of Appeals shall be two (2) years and until a qualified successor is appointed.
- C. Duties of the Construction Board of Appeals. The Construction Board of Appeals shall have the following powers and duties:
- (1) To provide for reasonable interpretation of the provisions of the State Construction Code.
 - (2) To hear and decide appeals from and review any order, requirement, decision or determination made by the enforcing agency pursuant to the Construction Code Act, the State Construction Code and/or this Ordinance.
 - (3) To do acts, make decisions, and make such determinations as are authorized or directed by the Construction Code Act, the State Construction Code and/or this Ordinance.
 - (4) To grant a specific variance to a substantive requirement of the State Construction Code if the literal application of the substantive requirement would result in exceptional, practical difficulty to the applicant, and if both of the following requirements are satisfied:
 - (a) The performance of the particular item or part of the building or structure with respect to which the variance is granted shall be adequate for its intended use and shall not substantially deviate from performance required by the State Construction Code provisions for that particular item or part for the health, safety and welfare of the people of the State.

- (b) The specific condition justifying the variance shall be neither so general or recurrent in nature as to make an amendment of the applicable State Construction Code provision with respect to the condition reasonably practical or desirable.

D. Meetings, rules of procedure, quorum. The Construction Board of Appeals shall meet at such times as said Board may determine. It may adopt bylaws and rules of procedure covering any matters upon which it may act. The presence of four members shall be necessary to constitute a quorum. The majority of the members present shall be necessary to decide any question.

SECTION VI. VIOLATION OF ORDINANCE; SANCTIONS.

Any violation of this Ordinance, 1972 PA 230, as amended, or the aforementioned code being administered or enforced hereunder or any part of the same shall be deemed to be a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1 st Offense within 5-year period*	\$ 75.00	\$500.00
2 nd Offense within 5-year period*	\$150.00	\$500.00
3 rd Offense within 5-year period*	\$325.00	\$500.00
4 th Offense within 5-year period*	\$500.00	\$500.00

* Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance, the Construction Code Act and/or the State Construction Code. Each day that a violation exists shall constitute a separate offense, except as may be otherwise specified by Section 23 of the Construction Code Act.

SECTION VII. SEVERABILITY.

Should any part of this Ordinance or the aforementioned Code being administered and enforced hereunder be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

SECTION VIII. REPEAL OF CONFLICTING ORDINANCE/SAVINGS CLAUSE.

All ordinances or parts of ordinances in conflict herewith, including any construction codes or construction code ordinances previously adopted by the Township, are hereby repealed and shall be of no further force or effect upon the effective date of this Ordinance; provided, however, that construction permits validly issued before the effective date of this Ordinance shall not be invalidated by this Ordinance and the construction may be completed in compliance with any such permits, or renewals thereof, and in compliance with any previous construction code under which the permits were issued. Further, any pending proceedings, including prosecutions for violations, or rights and liabilities acquired or incurred under any previous ordinance or construction code being repealed hereby, shall not be affected by this Ordinance and may be continued pursuant to said previous ordinances and codes.

SECTION IX. EFFECTIVE DATE.

This Ordinance shall take effect upon publication in accordance with Michigan law.

DEBORAH L. EVERETT, CLERK
OSHTEMO CHARTER TOWNSHIP